

LAW OFFICES OF  
**JOSHUA L. DRATEL, P.C.**  
A PROFESSIONAL CORPORATION  
29 BROADWAY  
Suite 1412  
NEW YORK, NEW YORK 10006  
---  
TELEPHONE (212) 732-0707  
FACSIMILE (212) 571-3792  
E-MAIL: JDratel@JoshuaDratel.com

JOSHUA L. DRATEL  
—  
LINDSAY A. LEWIS  
WHITNEY G. SCHLIMBACH

STEVEN WRIGHT  
*Office Manager*

December 16, 2016

**BY ELECTRONIC MAIL**

Shreve Ariail  
Melody Wells  
Matthew J. Jacobs  
Assistant United States Attorneys  
United States Attorney's Office  
Eastern District of New York  
271 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Adnan Harun Hausa,  
12 Cr. 134 (BMC)

Dear AUSAs Ariail, Jacobs, and Wells:

This letter constitutes defendant Ibrahim Adnan Harun Hausa's further disclosure pursuant to Rule 16(b)(1)(C), Fed.R.Crim.P., with respect to Marc Sageman, M.D., Ph.D., an expert the defense contemplates calling as a witness at trial. The summary of Dr. Sageman's opinions, the bases and reasons for those opinions, and Dr. Sageman's qualifications, are as follows:

**I. *The Subject Matter of Dr. Sageman's Testimony***

**A. *Regarding the Subject Matter of the Indictment***

- (1) the defense anticipates Dr. Sageman will testify that the architecture of *al Qaeda* during the time period in question (the years following September 11, 2001) was not as formal as described by the government's expert, Evan F. Kohlmann, whose draft expert report omits discussion of *al Qaeda*'s evolution from the period of the early 1990's through 2001. During the relevant period – from after September 11, 2001, through the end of 2003 – *al Qaeda* was not the organization described by Mr. Kohlmann. In many respects, *al Qaeda* dispersed by the end of 2001, and its elements were thereafter attempting to regain contact with each other;

LAW OFFICES OF  
**JOSHUA L. DRATEL, P.C.**

Shreve Ariail  
Melody Wells  
Matthew J. Jacobs  
Assistant United States Attorneys  
Eastern District of New York  
December 16, 2016  
Page 2 of 5

- (2) Abu Zubaydah al-Falastini was not part of *al Qaeda*. In fact, he was affiliated with the Khalden camp in Afghanistan that was a rival of the *al Qaeda* training camps. The Khalden camp was populated mostly by North African and Libyan natives or second generation North African immigrants to Western Europe, before migrating to Afghanistan. In contrast, most of the attendees at the *al Qaeda* camps were Arabs from the Gulf states. The groups associated with the Khalden and *al Qaeda* camps were rivals as well. In fact, the Taliban closed down the Khalden camp during the summer of 2000 at the urging of *al Qaeda*. Abu Zubaydah spent most of the relevant period based in Peshawar, Pakistan;
- (3) both Abdel Hadi al-Iraqi and Abu Faraj al-Liby are in U.S. custody at the U.S. Naval Base, Guantanamo Bay, Cuba. Hamza Rabia was killed in 2005; and
- (4) the relationships among commanders and their subordinates were more personal than organizational in nature. Both Abdel Hadi al-Iraqi and Abu Faraj al-Liby conducted military operations in Afghanistan with subcommanders (a group of perhaps a dozen men), including ambushes against U.S. forces following the U.S. invasion of Afghanistan in October 2001, and the U.S.'s subsequent campaign to solidify territorial control of Afghanistan. Hamza Rabia also allegedly worked with Pakistani terrorists in conducting military operations in Pakistan.

**B. *Regarding Mr. Kohlmann's Alleged Expertise and Analysis***

It is anticipated that Dr. Sageman will testify as follows with respect to Mr. Kohlmann:

- (1) Mr. Kohlmann is a lawyer without any social science training or publications in a peer reviewed journal to his credit. Mr. Kohlmann spends most of his time following *jihadi* websites online;
- (2) Dr. Sageman rejected Mr. Kohlmann's book, *Al-Qaida's Jihad In Europe: the Afghan Bosnian Network*, in a blind peer review for the University of Pennsylvania Press;
- (3) the methodology of Mr. Kohlmann's book is woefully deficient. The vast majority is composed of unreliable – as opposed to primary or secondary – source material. Only seven of Mr. Kohlmann's 872 footnotes refer to primary sources; 42 cite secondary sources (such as court filings); a staggering 823 footnotes – 94% – reference unreliable sources;
- (4) Mr. Kohlmann's book contains many factual inaccuracies and represents sloppy

LAW OFFICES OF  
**JOSHUA L. DRATEL, P.C.**

Shreve Ariail  
Melody Wells  
Matthew J. Jacobs  
Assistant United States Attorneys  
Eastern District of New York  
December 16, 2016  
Page 3 of 5

scholarship;

- (5) Mr. Kohlmann has not been to Afghanistan or Pakistan and does not speak any of the indigenous languages in use there. In his prior work, he has also made many basic factual errors with respect to his description of the Taliban;
- (6) during cross-examination at a hearing determining admissibility of expert testimony at trial, Mr. Kohlmann admitted not being familiar with basic concepts of scientific methodology necessary to test his claims. He claimed to have conducted a statistical analysis on his sample, but admitted he never took a class in statistics or used any sampling or randomization techniques. He claimed to have conducted a statistical analysis on his sample, but admitted he never took a class in statistics or used any sampling or randomization techniques; and
- (7) intelligence professionals, academics, and judges have criticized Mr. Kohlmann's methodology and analysis, as well as his lack of experience in important aspects of terrorism study.<sup>1</sup>

## **II. *The Bases and Reasons for Dr. Sageman's Testimony***

The bases and reasons for Dr. Sageman's knowledge and opinions are his extensive research in the subject matter, including information and materials disseminated publicly since September 11, 2001 (which includes the *9/11 Commission Report*, other publications – periodicals, books by participants and analysts regarding events in Afghanistan and Pakistan during the relevant time period, recovered documents and digital materials – court transcripts in criminal prosecutions and habeas corpus actions, transcripts of proceedings at the U.S. Naval Base, Guantanamo Bay, Cuba, including military commissions, Combatant Status Review Tribunals, and Periodic Review Boards, personal experience in the region (Dr. Sageman was stationed in Kabul, Afghanistan for the International Security Assistance Force for four months, and also spent significant time in Pakistan during the late 1980's), and personal interviews with numerous participants in events in Afghanistan and Pakistan during the relevant period.

---

<sup>1</sup> Additional aspects of Dr. Sageman's analysis of Mr. Kohlmann's purported expertise are included in Mr. Harun's motion to preclude Mr. Kohlmann's testimony pursuant to *Daubert v. Merrell Dow Pharmaceuticals*, 526 U.S. 579 (1993).

LAW OFFICES OF  
**JOSHUA L. DRATEL, P.C.**

Shreve Ariail  
Melody Wells  
Matthew J. Jacobs  
Assistant United States Attorneys  
Eastern District of New York  
December 16, 2016  
Page 4 of 5

### **III. Dr. Sageman's Qualifications**

Dr. Sageman's qualifications are manifest from his current C.V., which is attached. As it notes, he has an M.D. and Ph.D. (in sociology) from New York University. Presently (and since 2003), he has been a Consultant on Political Violence, which involves "[c]onsulting with various U.S. government agencies, including the National Security Council, DHS, FBI, Department of Justice, Department of State, many branches of Department of Defense and the intelligence community, Sandia National Laboratories, and over twenty foreign governments." Also, Dr. Sageman has "been qualified as an expert witness on terrorism and testified in federal court." Dr. Sageman has also maintained a private practice in forensic psychiatry since 1994 (which includes work related to terrorism prosecutions).

Dr. Sageman's government experience is also extensive. He served as a Special Adviser to the Deputy Chief of Staff of the Army (Intelligence) on the Insider Threat for the United States Army from 2010-13, and from 2012-13 he served as Special Adviser to the Deputy Chief of Staff of the International Security Assistance Forces (Intelligence) in Afghanistan on Insider Attacks. In 2008-09, he was a Scholar-in-Residence at the New York City Police Department, and in 2006-07, he was Consultant at the National Threat Assessment Center on Terrorism for the United States Secret Service.

From 1984-1991, Dr. Sageman worked for the Central Intelligence Agency, with assignments in Washington, D.C.; Islamabad, Pakistan; and New Delhi, India. Previously, from 1981-84, Dr. Sageman served in the U.S. Navy (retiring as Commander) as a Flight Surgeon, with tours in Pensacola, Florida; MCAS Futenma.

Dr. Sageman also has teaching experience. In 2008-09, he was an Adjunct Associate Professor at Columbia University's School of International and Public Affairs, New York, New York. From 2003-07, he was Clinical Assistant Professor, Department of Psychiatry, at the University of Pennsylvania, Philadelphia, Pennsylvania. From 1998-2005, he was a faculty member and lecturer at the University of Pennsylvania's Solomon Asch Center for the Study of Ethno-political Conflict, and the Department of Psychology.

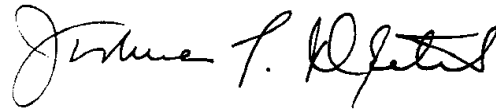
In addition, Dr. Sageman has published widely on the subject of terrorism. For example, among his books are the forthcoming *Turning to Political Violence: The Emergence of Terrorism* (2017: Philadelphia: University of Pennsylvania Press), as well as the previously published *Misunderstanding Terrorism* (2016: Philadelphia: University of Pennsylvania Press), *Leaderless Jihad*, (2008: Philadelphia: University of Pennsylvania Press), and *Understanding Terror Networks* (2004: Philadelphia: University of Pennsylvania Press). Moreover, Dr. Sageman has published numerous articles on a wide array of terrorism-related topics.

LAW OFFICES OF  
**JOSHUA L. DRATEL, P.C.**

Shreve Ariail  
Melody Wells  
Matthew J. Jacobs  
Assistant United States Attorneys  
Eastern District of New York  
December 16, 2016  
Page 5 of 5

Dr. Sageman has been qualified as an expert, and testified, in a number of terrorism-related prosecutions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joshua L. Dratel", written in a cursive style.

Joshua L. Dratel

JLD/